

Legal Services Developer

The department's Legal Services Developer is charged with annually developing and negotiating effective legal services for older citizens with contracts for legal services with East River Legal Services, Black Hills Legal Services and Dakota Plains Legal Services.

As a staff member of Adult Services and Aging, this person also provides legal advice on problems referred by the Long-Term Care Ombudsman and informs people and groups of changes in federal, state and local laws. The Legal Services Developer may conduct workshops throughout the state on the legal aspects of Medicare, wills and other issues.



For More Information Or Referral

Office of Adult Services & Aging
Department of Social Services
700 Governors Drive
Pierre, SD 57501-2291
605-773-3656

SD Lawyer Referral Service
222 East Capitol
Pierre, SD 57501
1-800-952-2333
(M-F: 9 a.m. – 5 p.m.)

Legal Services Programs

East River Legal Services
335 North Main Avenue #300
Sioux Falls, SD 57104-6038
1-800-952-3015

Black Hills Legal Services, Inc.
621 6th Street Suite 205
P.O. Box 1500
Rapid City, SD 57709-1500
1-800-742-8602

Dakota Plains Legal Services
P.O. Box 727
Mission, SD 57555-0727
1-800-658-2297

(Dakota Plains Legal Services also has branch offices in Pine Ridge, Eagle Butte, Fort Thompson, Pierre, Sisseton, Fort Yates, N.D.)

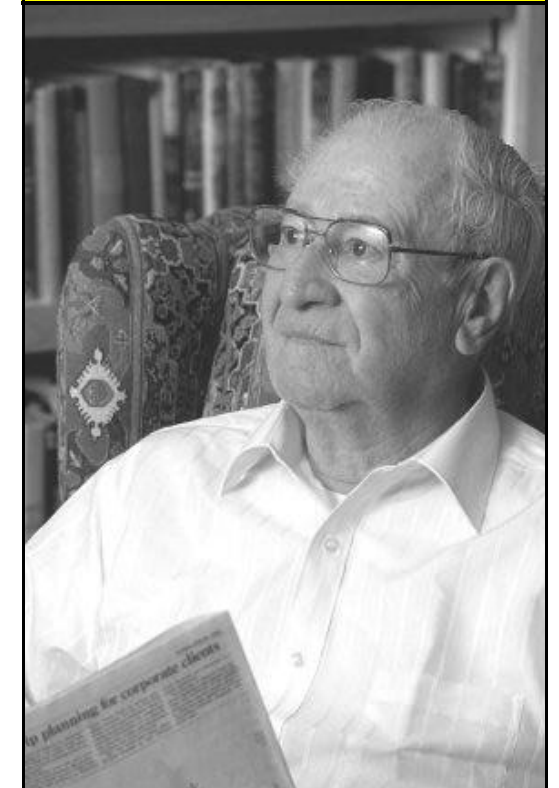
Visit us on the Web at:
**[www.state.sd.us/
social/asa](http://www.state.sd.us/social/asa)**



Discrimination Prohibited: State and federal laws prohibit discrimination in all Department of Social Services' programs and activities on the basis of race, color, national origin, gender, religion, age, disability and political beliefs. (Not all prohibited bases apply to all programs.) To file a complaint of discrimination write BOP/DSS, ATTN: HRM, 445 East Capitol, Pierre, S. D. 57501 or call (605) 773-6941. If you have a question regarding program services, please contact your nearest Department of Social Services' office.

2,500 copies of this document were printed by the Department of Social Services at a cost of 17 cents per copy. DSS/ASA/2.5M/0601

Legal Services for the Elderly



**Department of Social Services
Adult Services and Aging**

Legal Assistance Available Under Older Americans Act

Since 1975, the Older Americans Act has authorized funding for legal assistance. As the state agency responsible for the administration of the Older Americans Act in South Dakota, the Department of Social Services' Office of Adult Service and Aging recognizes the need to provide legal assistance to elderly people.

The need for legal services is undeniable. After retirement, many older Americans are dependent on government administered benefits and services for their entire income and livelihood. For example, many elderly people rely on Social Security for income and on Medicare and Medicaid to meet their health care needs. These benefit programs are extremely complicated and often difficult to understand.

Eligibility

People 60 years and older who have an economic or social need for services may be served by Older Americans Act programs. In addition, an individual must have a legal problem that is recognized as a priority issue.

Types of Legal Assistance Available

Adult Services and Aging contracts with three legal service programs to provide legal assistance to elderly people. Each legal service program has its own policy regarding the types of cases accepted. Case priorities may be different for each program. Legal service programs cannot accept fee generating cases and usually do not handle criminal cases.

The legal skills furnished by the programs include counseling and advice, negotiations, advocacy at administrative hearings, litigation and appeals. Some examples of legal disputes that might be accepted by these programs include the following:

● Age Discrimination

Some older people may be denied credit, insurance or employment because of their age. Denial of employment for reasons of age may be a violation of the Age Discrimination Act, the Civil Rights Act of 1964 and other laws. When experiencing such denials, an older person may need to consult a lawyer to find out if his or her legal rights have been violated.

● Consumer Problems

Older people are often victims of unfair consumer contracts and repossessions. Legal service programs can provide advice on the meaning of legal terms, rights of the buyer, and warranties contained in purchase contracts. They may help a client in cases where credit has been denied or provide advice to the aged person who is not satisfied with a product and would like to return it.

● Guardianship

Any person may allege that an aged person is mentally or physically incompetent to manage his or her own affairs. Legal service programs provide legal aid to the older person who wants to contest such a petition for guardianship. A lawyer ensures that the older person is given notice and opportunity to be heard prior to appointment of a guardian.

● Wills

Every person who has property should have a valid will. Legal service programs can prepare a will as well as inform the older person of the consequences of any decisions he or she may make. These programs can ensure that the procedures necessary to make a will valid are followed.

● Housing

Legal service programs can provide a lawyer for landlord-tenant disputes, eviction, etc. A lawyer can help start grievance procedures and inform a tenant of his or her rights to appeal.

● Insurance

Partial limitation, coinsurance, insurable interest, insurable value, waiting period and waiver are terms that may be unfamiliar or confusing to an older person who wants to buy insurance. A lawyer can explain what these common insurance policy terms mean and help ensure that the buyer gets what he or she wants to purchase.

● Public Benefits

Legal assistance is aimed at establishing a client's eligibility for various government benefits such as Supplemental Security Income (SSI), Fuel Assistance, Food Stamps, Medicare, Medicaid, Social Security, Unemployment Benefits and Worker's Compensation. Older people may not know that they have a right to appeal a decision determining their public benefits. They may also need help appealing denials, suspensions, refusals to pay claims, reductions in benefits or in checking clerical errors.